

Chapter 11

Historic Preservation

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Sec. 10-11-1 Purpose and Intent.

It is hereby declared a matter of public policy that the protection, enhancement, perpetuation and use of built improvements, landscapes, or sites of special character or special architectural, archeological or historic interests or value is a public necessity and is required in the interest of the health, prosperity, safety and welfare of the people. Such properties provide the village its unique identify. Authority for this ordinance derives from sections 61.35 and 62.23(7)(em) of the Wisconsin Statutes. The purpose of this section is to:

- a) Protect, enhance, and preserve such improvements, landscapes, sites, and districts which represent or reflect elements of the village's cultural and architectural history;
- b) Enhance the visual and aesthetic character of the village;
- c) Promote the use of historic properties and districts for the education, pleasure, and welfare of the people; and
- d) Foster civic pride in the accomplishments of the past.

Sec. 10-11-2 Definitions.

The definitions shall be as follows:

- a) Certificate of Appropriateness means the certificate issued by the Committee approving alteration, rehabilitation, construction, reconstruction or demolition of a historic building, structure, landscape, or site or any improvement in a locally designated historic district.
- b) Committee means the Belleville Historic Preservation Committee created under this section.
- c) Historic property means any parcel of land of substantial historic or prehistoric significance which has been designated as a historic property under this section, and includes any improvements and any abutting parcel and improvements or part thereof, used as and constituting part of the historic property.
- d) Historic structure means any improvement which has a special historic value as part of the cultural development of the village, state or nation and which has been designated as a historic structure pursuant to the provisions of this chapter.
- e) Historic district is an area designated by the Village Board based on the recommendation of the Committee which contains a significant concentration of buildings, structures, objects, and/or sites which are linked together historically or aesthetically.
- f) Improvement means any building, structure, object, site or landscape constituting a physical betterment of real property, or any part of such betterment, including streets, alleys, sidewalks, curbs, lighting fixtures, signs, and the like.

Sec. 10-11-3 Historic Preservation Committee Composition.

A Historic Preservation Committee is hereby created consisting of five (5) members. The members shall be appointed by the Village President, subject to confirmation by the Village Board, to serve staggered two-year terms. One member shall be a Village Trustee. Of the other members, if practicable and available in the community, one shall be a registered architect, one shall be a historian, one shall be a licensed real estate broker, and one shall be a citizen. The Village President shall designate three of the initially appointed members to serve two-year terms, and two of the initially appointed members to serve one-year terms, with each subsequent appointment to be for a two-year term so that appointments occur in both odd-numbered and even-numbered years.

Sec. 10-11-4 Historic Property, Historic Structure and Historic District Designation Criteria.

- a) For purposes of this ordinance, a historic property, historic structure, or historic district designation may be placed on any property, natural or improved, including any improvement located thereon, or any area of particular historic, architectural, archeological or cultural significance to the village such as historic buildings, structures, sites, or objects, or districts which maintain sufficient physical integrity to represent its areas of significance and fall under one or more of the following criteria:
 - 1) Exemplify or reflect the broad cultural or social history or important events of the nation, state or community; or

- 2) Are identified with historic personages in national, state, or local history; or
 - 3) Embody the distinguishing characteristics of an architectural type or specimen inherently valuable for a study of a period, style, method of construction, interior spaces, or of indigenous materials or craftsmanship or of the notable work of a master builder, designer or architect who influenced his or her age; or
 - 4) Have yielded, or may be likely to yield, information important to prehistory or history.
- b) The Committee shall adopt specific operating guidelines for historic property and district designation providing such are in conformance with the provisions of this ordinance. Such guidelines will include the following provisions. To make such a property designation, a village citizen, his (her) representative, or a Committee member shall submit to the Committee a physical description of each property, identification of the current owners of record and its functions, a statement of its historical significance, black and white photographs of all exterior elevations of the property, a statement of location or legal description, a village plat showing the precise boundaries of the property, and any other maps or sketches which clarify the nature of the property included in the designation. The Village Clerk shall examine the legal description to ascertain that it specifies the intended property. The Committee may wish to further specify the kinds of information required to be submitted.

Sec. 10-11-5 Powers and Duties of the Historic Preservation Committee.

- a) **Designation.** The Committee shall have the power, subject to Section VI, to recommend designation of historic properties and to recommend designation of historic districts within the Village limits. Such designations shall be based on the criteria established in Section IV. Historic properties and districts shall be approved by the Village Board. Once designated, such historic properties and districts shall be subject to all the provisions of this ordinance.
- b) The Committee shall have no authority to appropriate funds for any purpose, but may recommend appropriations to the Village Board.
- c) Regulation of Construction, Reconstruction, Rehabilitation, Alteration and Demolition.
 - (1) Unless a certificate of appropriateness has been granted by the Committee, no owner or person legally in charge of a single historic property or property within a historic district shall:
 - a. Reconstruct, rehabilitate, alter or demolish all or any part of the exterior of such property or all or any part of the interior portions thereof;
 - b. Construct any improvement upon such designated property or properties;
 - c. Cause or permit any such work to be performed upon such property.
 The building inspector shall not issue a permit for any such work unless a certificate of appropriateness has been granted by the Committee.
 - 2) Upon filing of any application for a Certificate of Appropriateness with the Committee, the Committee shall approve the application if it generally follows the concepts outlined in the Secretary of the Interior's Standards for Rehabilitation, unless:

- a. In the case of a designated historic property, the proposed work would detrimentally alter, destroy, or adversely affect any exterior feature of the improvement or adjacent lands upon which said work is to be done including adjacent archaeological sites.
 - b. In the case of the construction of a new improvement on a historic property or within a historic district, the exterior of such improvement would adversely affect or fail to harmonize with the external appearance of other neighboring improvements on such property or within the district;
 - c. In the case of any property located in a historic district, the proposed construction, reconstruction, rehabilitation, exterior alternation, or demolition does not conform to the purpose and intent of this section and to the objectives and design criteria of the historic preservation plan for said district;
 - d. The building or structure is of such architectural or historical significance that its demolition would be detrimental to the public interest and contrary to the general welfare of the people of the village and state;
 - e. In the case of a request for the demolition of a deteriorated building or structure, any economic hardship or difficulty claimed by the owner is self-created or is the result of any failure to maintain the property in good repair.
- 3) If the Committee determines that the application for a Certificate of Appropriateness and the proposed changes are consistent with the character and features of the property or district, it shall issue the Certificate of Appropriateness. The Committee shall make this decision within forty-five (45) days of the filing of the application.
 - 4) The issuance of a Certificate of Appropriateness shall not relieve the applicant from obtaining other permits and approvals required by the Village. A building permit or other municipal permit shall be invalid if it is obtained without the presentation of the Certificate of Appropriateness required for the proposed work.
 - 5) Ordinary maintenance and repairs may be undertaken without a Certificate of Appropriateness provided that the work involves repairs to existing features of a historic property or the replacement of elements of the improvement with pieces identical in appearance and provided that the work does not change the exterior appearance of the structure or site and does not require the issuance of a building permit.
- d) **Appeals.** Should the Committee not issue a Certificate of Appropriateness because of the failure of the proposal to conform to the guidelines, the applicant may appeal such decision to the Village Board within thirty (30) days. In addition, if the Committee does not issue a Certificate of Appropriateness, the Committee shall, with the cooperation of the applicant, work with the applicant in an attempt to obtain a Certificate of Appropriateness within the guidelines of the ordinance.
 - e) **Recognition of Historic Properties and Districts.** At such times as the historic property or district is properly designated, the Committee, in cooperation with the property owner(s), may cause to be

prepared and erected on such property at village expense (if such expense is approved by the Village Board), a suitable plaque declaring that such property is a historic property or district.

- f) **Historic Survey.** The Committee has the authority to conduct a historic survey of buildings in the Village of Belleville for the purposes of identifying those possessing historic significance.
- g) **Gifts, Donations, Grants, and Fund Raising.** The Historic Preservation Committee may recommend to the Village Board acceptance of such gifts, grants, and money as may be appropriate for the purposes of this ordinance and the restoration and rehabilitation of the Old Library. Monies for all other purposes including the maintenance of the Old Library and associated property will be maintained as part of the Village budget.
- h) **Maintenance of Historic Properties and Districts Owned by the Village.** Under the direction of the Committee, the Village will assume the routine maintenance of any historic objects, properties, or districts under its ownership as it does any other property under its ownership.
- i) **Educational Function.** The Committee may prepare and publish maps and brochures, construct exhibits, and provide other descriptive materials about Belleville's heritage for educational purposes.
- j) **Cooperation With Other Organizations.** The Committee may cooperate with and enlist the assistance of persons, organizations, corporations, foundations, and public agencies in matters involving historic preservation, education, fund raising, renovation, rehabilitation, and reuse of historic properties.
- k) **Advisory Capacity.** The Committee may advise and assist or obtain information for owners of historic properties on historic preservation questions.

Sec. 10-11-6 Procedures.

- a) Designation of Historic Properties
 - 1) The Committee may, after notice and public hearing, recommend designation of historic properties or rescission of such designation or recommendation if unavoidable alteration has occurred, after application of the criteria in Section IV above. At least ten (10) days prior to such hearing, the Committee shall notify the owners of record, as listed with the Village Clerk, who are owners of property in whole or in part situated within two hundred (200) feet of the boundaries of the property affected.
 - 2) The Committee shall then conduct such public hearing and, in addition to the notified persons, may hear expert witnesses and shall have the power to subpoena such witnesses and records as it deems necessary. Within ten (10) days after the close of the public hearing, the Committee may recommend designation of the property as an historic property or historic structure or recommend rescission of the designation. Notification shall be given to the Village Clerk.
 - 3) The Village Board, upon receipt of the recommendations from the Historic Preservation Committee, after review of such recommendation by the Planning Commission, shall either designate or reject the designation of the property as an historic property, or rescind or reject rescission of the designation. The Village Board shall cause the designation or rescission to be recorded, at Village expense, in the County Register of Deeds office.

b) Creation of a Historic District

1) A historic district may be designated for any geographic area of particular historic, architectural or cultural significance to the village, after application of the criteria in Section IV above. The historic designation shall include within it a historic preservation plan prepared by the Historic Preservation Committee. The specific plan shall be tailored to the circumstances of each district. This document shall include: a brief physical description of the district, identification of the current owners of record and functions of each property in the district, a description of its boundaries, a village plat showing the legal boundaries of the district, black and white photographs of each property, and a historical/cultural and architectural statement of significance of the district and the plan. The plan shall include the specific guidelines for future development within the area and a statement of preservation objectives. The Village Clerk shall examine the description and map to ascertain that they indicate the intended properties. The village zoning ordinances shall be amended to eliminate any inconsistencies with the preservation plan. The Committee may further specify the kinds of information required to be included in the plan.

2) Review and Adoption Procedure

a. Historic Preservation Committee. The Historic Preservation Committee shall hold a public hearing when considering the plan and designation of a historic district. Notice of the time, place, and purpose of the public hearing shall be sent by the Village to the Village Board and the owners of record as listed with the Village Clerk, who are owners of the property within the proposed historic district or are situated in whole or in part within two hundred (200) feet of the boundaries of the proposed historic district. Said notice is to be sent at least ten (10) days prior to the date of the public hearing. Following the public hearing, the Historic Preservation Committee shall vote to recommend, reject or withhold action on the designation and plan.

b. The Village Board. The Village Board, upon receipt of the recommendations from the Historic Preservation Committee, after review of such recommendation by the Planning Commission, shall hold a public hearing, notice to be given as noted in subparagraph a. above and shall following the public hearing either designate or reject the Historic District. Designation of the Historic District shall occur in two steps: adoption of the designation and then of the plan prepared for that district. Adoption of both shall direct the implementation of said plan. If the Village Board fails to adopt the plan, where prudent, the Village Board and Committee will cooperatively revise the plan, hold public hearing as noted in this section, and reconsider the plan.

Sec. 10-11-7 Interim Control.

No building permit shall be issued by the building inspector for alteration, rehabilitation, construction, demolition, or removal of a single nominated historic property or any property within a nominated historic district from the date of the meeting of the Historic Preservation Committee at which a nomination form is first presented until the final disposition of the nomination by the Historic Preservation Committee or the Village Board unless alteration, removal or demolition is authorized by formal resolution of the Village Board as necessary for public health, welfare, or safety. In no event shall the delay be for more than one hundred eighty (180) days.

Sec. 10-11-8 Penalties for Violations.

Any person or persons violating any provision of this section shall be fined fifty dollars (\$50) for each separate violation. Each and every day during which a violation continues shall be deemed to be a separate offense. Inspection for the purposes of enforcing this ordinance will be performed by the Building Inspector under direction of the Village Board. Notice of violations shall be issued by the Building Inspector.

Sec. 10-11-9 Separability.

If any provision of this chapter or the application thereof to any person or circumstances is held invalid, the remainder of this chapter and the application of such provisions to other persons or circumstances shall not be affected thereby.

Appendix I: National Register of Historic Properties Designated by the Creation of this Ordinance

1. The Old Library Building, its associated bandstand and fountain, and landscape, all a National Register property within the block known as the Public Square in the Village of Belleville.